



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,606	12/20/2000	Yuko S. Nishikawa	155698-0006	1200

22242 7590 02/17/2004

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

EXAMINER

CORBETT, MITCHELL

ART UNIT PAPER NUMBER

2614

DATE MAILED: 02/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/745,606

Applicant(s)

NISHIKAWA ET AL.

Examiner

Mitchell J Corbett

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: In claim 1, lines 1-2, the phrase "a method for selectively storing a show associated with a broadcast channel" should be changed to "a method for selectively storing data associated with a broadcast channel". Note that the subsequent claim limitations disclose a method for selectively storing *data* associated with a show. The phrase "a method for selectively storing a show associated with a broadcast channel" could be interpreted as storing video data for an entire show into memory. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 6, 11, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Hendricks et al. (Hendricks) (US 5,798,785).

As for claim 1, Hendricks discloses a method for selectively storing data (show) associated with a broadcast channel (column 5, lines 28-30) capable of being received and displayed (column 5, lines 25-28 and 47-50) by an entertainment system (set-top terminal 220 and TV 222, fig. 3) comprising: receiving programming data (program

Art Unit: 2614

control information) associated with a channel (column 4, line 62 – column 5, line 11, and see program control information, column 12, lines 40-63); displaying a show associated with the channel (column 5, lines 25-28 and 47-50); displaying a menu associated with storing of the channel in memory (see “Favorite Channel Program Menu, fig. 12b, and column 33, lines 15-20); selecting to load the programming data of the channel into memory of the entertainment system (see list of program titles, fig. 12b, and column 33, lines 16-19, and 27-30); loading the programming data associated with the channel into the memory (column 33, lines 16-19 and 27-30).

As for Claim 6, Hendricks further discloses receiving programming data (program control information, column 12, lines 40-63) comprising receiving a digital bit stream (see digital data, column 4, line 63 – column 5, line 10) including programming data and sensory data (video signals, column 5, lines 25-26) corresponding to the programming data (see extraction of video and control signals, column 5, lines 17-30).

As for claim 11, Hendricks discloses an entertainment system (set-top terminal 220 and TV 222, fig. 3) comprising a display monitor (TV 222, fig. 3 and 6); a broadcast receiver (set-top terminal 220) coupled to the display monitor (fig. 3), the broadcast receiver including: a front-end unit (tuner 603 and demod 606, fig. 4) capable of receiving programming data associated with a show broadcast for viewing on the display monitor (column 24, lines 64-67); a memory (RAM 620, fig. 4), a central processing unit (microprocessor 602, fig. 4) coupled to the memory and coupled (claim

Art Unit: 2614

55, column 52, line 34) to receive programming data associated with a broadcast channel (claim 55, column 52, lines 34-37) and executing software to load channel programming data into memory (and column 33, lines 29-33 and claim 55, column 52, lines 34-37).

As for claim 14, the system of Hendricks discloses an entertainment system wherein the display monitor includes a television receiver (Hendricks, television 222, fig. 3).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks as applied to claims 1 and 11 above, and further in view of Banker et al. (Banker) (US 5,477,262), ~~and further in view of Bedard (US 5,805,235).~~

As for claims 2-4, although Hendricks discloses selecting channels to be stored in a favorite channels category, he fails to specifically disclose the ability to specify that a channel be added or removed from a list of stored channels, selecting said list of stored channels for display, and displaying the list, as recited in the claims.

2/9/04
CJ

In a related art, Banker discloses an on-screen interface method in which channels may be added (see Favorite Channel Add 1402, fig. 14, and "ADD A CHANNEL" menu items, fig. 15A and 15B) or removed (see REMOVE FAVORITE CHANNEL 1403 and "REMOVE A CHANNEL" menu item, fig. 15A and 15C) from a list of channels (see channels listed in fig. 15A, 15B, and 15C); and selecting to display (see boxes labeled "TO: FAVORITE CHANNEL MENU", fig. 7 and "FROM: TOP MENU.ALL: FAVORITE CHANNELS", fig. 14, and see column 22, line 62 – column 23, lines 13) and displaying said list of stored channels (see "YOUR FAVORITE CHANNELS", fig. 15A, and column 22, column 22, line 62-63), for the purpose of allowing customers to modify their list of favorite channels as tastes change and allowing them to choose a channel to watch from their favorite channels list.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system method of Hendricks to include the ability to specify that a channel be added or removed from a list of stored channels and selecting said list of stored channels for display and displaying the list, as taught by Banker, for the purpose of allowing customers to modify their list of favorite channels as tastes change and allowing them to choose a channel to watch from their favorite channels list.

As for claim 5, the combined methods of Hendricks and Banker disclose navigating through the list of stored channels (Hendricks, see item labeled "PRESS GO ON ANY TITLE TO WATCH THAT PROGRAM", fig. 12b and column 33, lines 19-21).

6. Claims 7, 9, 10, 12, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks as applied to claims 1 and 11 above, and further in view of Banker et al. (Banker) (US 5,477,262), and further in view of Bedard (US 5,805,235).

As for claim 7, although Hendricks discloses a CPU (microprocessor 602) executing software within the entertainment system to produce a screen menu (column 13, lines 42-46), Hendricks fails to specifically disclose selecting an option icon of said menu to prompt selection of the channel for storage in memory, as recited in the claims.

In a related art, Banker discloses selection of an option of said menu to prompt selection of channel storage into memory (see "SELECT <- FAV CHANNELS" 801, fig. 7, and "FAVORITE CHANNELS" menu item in screens 8a-8b, fig. 7 and column 22, lines 62-63), for the purpose of providing the customer with an organized and intuitive menu hierarchy to add or subtract favorite channels from a list. Banker fails to specifically disclose the selection of an icon in said menu, as recited in the claim.

In a related art, Bedard discloses the selection of an option icon in a menu (see Mark/Unmark icon 54, fig. 3A, and column 5, lines 46-58), for the advantage of allowing the user to easily recognize the function conveyed by the graphical representation.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Hendricks to include selecting an option of said menu to prompt selection of the channel for storage in memory, as taught by Banker, for the purpose of providing the customer with an organized and intuitive menu hierarchy to add or subtract favorite channels from a list.

Further, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Hendricks and Banker to include the selection of an icon in a menu, as taught by Bedard, for the advantage of allowing the user to easily recognize the function conveyed by the graphical representation.

As for claim 9, the combined methods of Hendricks, Banker, and Bedard disclose selecting a list of stored channels for display (Banker, see "SELECT <- FAV CHANNELS" 801, fig. 7, and "FAVORITE CHANNELS" menu item in screens 8a-8b, fig. 7, and "YOUR FAVORITE CHANNELS" list, screen 9a of Fig. 15A); and selecting an option to cause a broadcast receiver to tune to a channel in the list of the stored channels to broadcast a show corresponding to the channel (Hendricks, see item labeled "PRESS GO ON ANY TITLE TO WATCH THAT PROGRAM", fig. 12b and column 33, lines 19-21).

As for claim 10, the combined methods of Hendricks, Banker, and Bedard disclose the display of a screen menu; however, they fail to specifically disclose selecting an option to exit the screen menu, as recited in the claim.

Banker further discloses selecting an option to exit the screen menu (Banker, see "PRESS [MENU] TO EXIT" option, fig. 15A), for the purpose of allowing the viewer to return to a broadcast program.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Hendricks, Banker, and Bedard to include selecting

an option to exit the screen menu, as further taught by Banker, for the purpose of allowing the viewer to return to a broadcast program.

As for claims 12 and 13, the system of Hendricks discloses an entertainment system comprising a CPU (602), a display monitor (222), and memory (620). Although Hendricks discloses the CPU executing software to display a screen menu on said display monitor (column 13, lines 43-46 and column 18, lines 7-15), and storing a list of channels in memory (column 33, lines 29-30), he fails to disclose said menu including an icon selectable to add or remove a current channel to said list of channels, as recited in the claims.

Banker discloses a menu including an item selectable to add or remove a current channel (see "ADD A CHANNEL" menu items, fig. 15A and 15B and "REMOVE A CHANNEL" menu item, fig. 15A and 15C) to a list of channels (see channels listed in fig. 15A, 15B, and 15C) stored in memory (column 23, lines 1-5), for the purpose of allowing customers to modify their list of favorite channels as their tastes change. Banker fails to specifically disclose the selection of an icon of said menu, as recited in the claim.

In a related art, Bedard discloses the selection of an option icon in a menu (see Mark/Unmark icon 54, fig. 3A, and column 5, lines 46-58), for the advantage of allowing the user to easily recognize the function conveyed by the graphical representation.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Hendricks to include said menu including an item

selectable to add or remove a current channel to said list of channels, as taught by Banker, for the purpose of allowing customers to modify their list of favorite channels as their tastes change.

Further, it would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Hendricks and Banker to include the selection of an icon in a menu, as taught by Bedard, for the advantage of allowing the user to easily recognize the function conveyed by the graphical representation.

7. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks, and further in view of Banker, and further in view of Bedard as applied to claim 7 above, and further in view of Rzeszewski et al. (Rzeszewski) (US 5,917,481).

As for claim 8, the combined methods of Hendricks, Banker, and Bedard disclose loading programming data into memory; however, they fail to disclose loading the channel number and source of the channel into memory, as recited in the claim.

Rzeszewski discloses an electronic program guide system and method wherein channel number and source of the channel (i.e., network) (see program information, column 4, lines 28-38) are loaded into memory (column 4, lines 7-15, and 21-30), for the advantage of reducing memory requirements by storing program information only for user selected channels.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Hendricks, Banker, and Bedard to include loading the

Art Unit: 2614

channel number and source of the channel into memory, as taught by Rzeszewski, for the advantage of reducing memory requirements by storing program information only for user selected channels.

8. Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks as applied to claim 11 above, and further in view of Usui et al. (Usui) (US 6,078,348).

Considering claim 15, Hendricks discloses a broadcast receiver (set-top terminal 220), however fails to specifically disclose said broadcast receiver including an integrated receiver decoder, as recited in the claim.

In a related art, Usui discloses a television system including an IRD (IRD 4, fig. 1, and column 4, lines 10-14), for the advantage of allowing for the reception and decoding of digital satellite signals.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Hendricks to include an integrated receiver decoder as part of said broadcast receiver, as taught by Usui, for the advantage of allowing for the reception and decoding of digital satellite signals.

9. Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks as applied to claim 11 above, and further in view of Banker, and further in view of Bedard.

As for claim 16, Hendricks discloses a CPU (microprocessor 602) of the broadcast receiver (set-top terminal 220) which executes software to provide a screen menu (column 13, lines 43-46, and column 18, lines 7-15), Hendricks fails to disclose selection of an icon of the screen menu signal the CPU to execute software to add a currently displayed channel to a list of channels stored in said memory, as recited in the claim.

Banker discloses selection of an item of the screen menu (see "SELECT <- FAV CHANNELS" 801, fig. 7, and "FAVORITE CHANNELS" menu item in screens 8a-8b, fig. 7 and column 22, lines 62-63) to signal the CPU (microprocessor 310, fig. 3) to execute software (column 16, lines 21-28) to add a channel to a list of channels stored in said memory (see Favorite Channel Add 1402, fig. 14, and "ADD A CHANNEL" menu items, and channel list, fig. 15A and 15B), for the purpose of providing an efficient method of using the CPU and memory to store a user's list of favorite channels. Banker fails to disclose selection of an icon of the screen menu and adding a currently displayed channel to said list of channels, as recited in the claim.

In a related art, Bedard discloses a bookmarking channel system wherein an option icon in a menu may be selected (see Mark/Unmark icon 54, fig. 3A, and column 5, lines 46-58), and further discloses a currently displayed channel is added to a list of channels (column 3, line 64 – column 4, line 15), for the purpose of allowing the user to easily recognize the function conveyed by the graphical representation and allowing said user to sample the desired favorite channel previous to adding it to the list.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Hendricks to include selection of an item of the screen menu signal the CPU to execute software to add a channel to a list of channels stored in said memory, as taught by Banker, for the purpose of providing an efficient method of using the CPU and memory to store a user's list of favorite channels.

It would have been obvious to one of ordinary skill in the art at the time of invention to further modify the combined system of Hendricks and Banker to include selection of an icon of the screen menu and adding a currently displayed channel to said list of channels, as taught by Bedard, for the purpose of allowing the user to easily recognize the function conveyed by the graphical representation and allowing said user to sample the desired favorite channel previous to adding it to the list.

10. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks as applied to claim 11 above, and further in view of Banker, and further in view of Bedard, as applied to claim 16 above, and further in view of Schultheiss et al. (Schultheiss) (US 6,545,722).

As for claim 17, the combined system of Hendricks, Banker, and Bedard disclose an entertainment system wherein selection of an icon causes the addition of a displayed channel to a list of channels, however they fail to disclose said menu comprising a second icon selectable to display a second menu which displays said list of stored channels, as recited in the claim.

Schultheiss discloses an entertainment system in which a menu comprises a first icon (OPTIONS icon, fig. 7) for adding or removing favorite channels from a list (see "CHOOSE FAVORITE CHANNELS" icon, fig. 10, and fig. 16, and column 12, lines 21-40) and a second icon selectable (see "FAVORITES" icon, fig. 7) to display a second menu which displays said list of stored channels (column 12, lines 43-49), for the advantage of providing allowing an easy-to-use hierarchy for the user to view their favorite channels list.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the system of Hendricks, Banker, and Bedard to include said menu comprising a second icon selectable to display a second menu which displays said list of stored channels, as taught by Schultheiss, for the advantage of providing allowing an easy-to-use hierarchy for the user to view their favorite channels list.

11. Claims 18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks as applied to claim 11 above, and further in view of Banker, and further in view of Bedard, and further in view of Schultheiss as applied to claim 17 above, and further in view of Schein et al. (Schein) (US 6,002,394)

As for claims 18 and 19, although the combined system of Hendricks, Banker, Bedard, and Schultheiss disclose an entertainment system providing a first menu (Schultheiss, fig. 7) and second screen menu (Schultheiss, "Choose Favorite Channels" menu, fig. 16) and said list of channels being scrollable (Schultheiss, see "To view more

Art Unit: 2614

channels, move up/down area buttons", fig. 16), they fail to disclose said menu comprising a graphical portion displaying a show corresponding to a channel in list during said scrolling, and a text portion including a description of said show corresponding to said channel, as recited in the claims.

In a related art, Schein discloses a television system wherein a menu comprises a graphical portion (see program area 526, figs. 21B) displaying a show corresponding to a channel in a list (column 22, lines 3-8) during said scrolling (see scroll bar 520, fig. 21B and column 22, line 61 – column 23 line 1), and a text portion including a description of said show corresponding to said channel (see "ABC MONDAY NIGHT FOOTBALL" description, fig. 21B and see info menu, column 24, lines 1-7), for the advantage of allowing the user to view and read about the current program prior to watching.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the combined system of Hendricks, Banker, Bedard, and Schultheiss to include said menu comprising a graphical portion displaying a show corresponding to a channel in list during said scrolling, and a text portion including a description of said show corresponding to said channel, as taught by Schein, for the advantage of allowing the user to view and read about the current program prior to watching.

Art Unit: 2614

12. Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hendricks, and further in view of Banker, and further in view of Bedard as applied to claim 16 above, and further in view of Schein.

As for claim 20, the combined system of Hendricks, Banker, and Bedard disclose an entertainment system providing a screen menu; however, they fail to specifically disclose a second icon selectable to exit the screen menu, as recited in the claim.

In a related art, Schein further discloses selecting an option to exit the screen menu (see "EXIT" icon, 522, fig. 16A, and column 22, lines 1-3), for the purpose of allowing the viewer to exit the current menu.

It would have been obvious to one of ordinary skill in the art at the time of invention to modify the method of Hendricks, Banker, and Bedard to include a second icon selectable to exit the screen menu, as taught by Schein, for the purpose of allowing the viewer to exit the current menu.

Conclusion

13. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

Art Unit: 2614

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)_____ - _____ on _____
(Date)

Typed or printed name of person signing this certificate:

Signature: _____

Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mitchell J Corbett whose telephone number is (703) 305-8982. The examiner can normally be reached on Monday-Friday 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (703) 305-4755. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2614

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Mitchell Corbett
Patent Examiner
Art Unit 2614

MJC


CHRIS GRANT
PRIMARY EXAMINER